



General Assembly

January Session, 2011

***Raised Bill No. 6375***

LCO No. 3299

\* \_\_\_\_\_HB06375PS\_PH\_031011\_\_\_\_\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT ESTABLISHING AN EMERGENCY RESPONSE SYSTEM OF  
VOLUNTEER HEALTH CARE PRACTITIONERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2011*) As used in this section  
2       and sections 2 to 6, inclusive, of this act:

3       (1) "Disaster relief organization" means an entity that: (A) Provides  
4       emergency or disaster relief services that include health care services  
5       provided by volunteer health care practitioners, and (B) is designated  
6       or recognized as a provider of such services pursuant to a disaster  
7       response and recovery plan adopted by any agency of the federal  
8       government, the Department of Public Health or the Department of  
9       Emergency Management and Homeland Security; or regularly plans  
10      and conducts emergency or disaster relief activities in coordination  
11      with any agency of the federal government, the Department of Public  
12      Health or the Department of Emergency Management and Homeland  
13      Security.

14      (2) "Emergency" has the same meaning as in section 28-1 of the  
15      general statutes.

16       (3) "Emergency declaration" means the Governor's declaration of a  
17 civil preparedness emergency pursuant to section 28-9 of the general  
18 statutes.

19       (4) "Emergency Management Assistance Compact" means the  
20 interstate compact established under section 28-23a of the general  
21 statutes.

22       (5) "Entity" means a person other than a natural person.

23       (6) "Health care practitioner" means an individual licensed under  
24 chapter 370, 378, 378a, 383, 384d or 400j of the general statutes or the  
25 laws of another state to provide health care services, mental health  
26 services, emergency medical services through a licensed emergency  
27 medical services provider, or general or specialized surgery, but does  
28 not include a practitioner whose license has not been suspended,  
29 revoked, voluntarily terminated under threat of sanction or subject to  
30 an agency order limiting or restricting the scope of practice.

31       (7) "Health care services" means any care, service or treatment of an  
32 illness or dysfunction of, or injury to, the human body, including, but  
33 not limited to: (A) Preventive, diagnostic, therapeutic, rehabilitative,  
34 maintenance, surgical or palliative care; (B) counseling, assessment,  
35 procedures or other mental health services; and (C) the sale or  
36 dispensing of a drug, a device, equipment or another item to an  
37 individual in accordance with a prescription.

38       (8) "Host entity" means an entity operating in this state which uses  
39 volunteer health care practitioners to respond to an emergency.

40       (9) "License" means state authorization to provide health care  
41 services or authorization to provide health care services based upon a  
42 national certification issued by a public or private entity.

43       (10) "Person" means any natural person, corporation, partnership,  
44 limited liability company, unincorporated business, government or  
45 governmental entity or any other legal or commercial entity.

46       (11) "Scope of practice" means the extent of the authorization to  
47 provide health care services granted to a health care practitioner by a  
48 license issued to the practitioner.

49       (12) "State" means a state of the United States, the District of  
50 Columbia, Puerto Rico, the United States Virgin Islands or any  
51 territory or insular possession subject to the jurisdiction of the United  
52 States.

53       (13) "Volunteer health care practitioner" means a health care  
54 practitioner who provides health care services, whether or not the  
55 practitioner receives compensation for those services, but does not  
56 include a health care practitioner who receives compensation pursuant  
57 to a preexisting employment relationship with a host entity or affiliate  
58 which requires the practitioner to provide health care services in this  
59 state, unless such practitioner is not a resident of this state and is  
60 employed by a disaster relief organization providing services in this  
61 state while an emergency declaration is in effect.

62       Sec. 2. (NEW) (*Effective October 1, 2011*) (a) While an emergency or  
63 emergency declaration is in effect, a volunteer health care practitioner  
64 who is registered in accordance with this section may provide health  
65 care services in this state.

66       (b) A volunteer health care practitioner shall register with a  
67 volunteer health care practitioner system organization in order to  
68 provide health care services in this state during an emergency or  
69 emergency declaration. Any such organization shall: (1) Accept  
70 applications for the registration of volunteer health care practitioners  
71 prior to or during an emergency or emergency declaration; (2) include  
72 information about the licensure and good standing of volunteer health  
73 care practitioners that is accessible by authorized persons; (3) be  
74 capable of confirming the accuracy of information concerning whether  
75 a volunteer health care practitioner is licensed and in good standing in  
76 another state before health care services are provided under this  
77 section; and (4) meet any one of the following conditions: (A) Be an

78 emergency system for advance registration of volunteer health care  
 79 practitioners established by a state and funded through the Health  
 80 Resources Services Administration under Section 319I of the Public  
 81 Health Services Act, 42 USC 247d-7b, as amended from time to time;  
 82 (B) be a local unit consisting of trained and equipped emergency  
 83 response, public health and medical personnel formed pursuant to  
 84 Section 2801 of the Public Health Services Act, 42 USC 300hh, as  
 85 amended from time to time; (C) be operated by (i) a disaster relief  
 86 organization; (ii) a licensing board; (iii) a national or regional  
 87 association of licensing boards or health care practitioners; (iv) a health  
 88 care facility that provides comprehensive inpatient and outpatient  
 89 health care services, including a tertiary care and teaching hospital; or  
 90 (v) a governmental entity; or (D) be designated by the Department of  
 91 Public Health or the Department of Emergency Management and  
 92 Homeland Security as a volunteer registration system organization for  
 93 purposes of this section.

94 (c) Upon the request of the Commissioner of Public Health, the  
 95 Commissioner of Emergency Management and Homeland Security or  
 96 a designee of said commissioners, the volunteer health care  
 97 practitioner registration system organization shall confirm whether a  
 98 volunteer health care practitioner is registered in accordance with  
 99 subsection (a) of this section and whether the system indicates that  
 100 such practitioner is licensed and in good standing.

101 (d) This section shall not be construed to authorize a volunteer  
 102 health care practitioner to provide health care services in this state that  
 103 are outside such practitioner's scope of practice in the state where such  
 104 practitioner is licensed, or to provide health care services that are  
 105 outside of the scope of practice for a practitioner holding a comparable  
 106 license in this state.

107 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) While an emergency or  
 108 emergency declaration is in effect, the Department of Public Health  
 109 and the Department of Emergency Management and Homeland  
 110 Security may issue an order to limit, restrict or otherwise regulate the

111 practice of volunteer health care practitioners. Such limitations and  
 112 restrictions may include, but are not limited to: (1) The duration of  
 113 practice by volunteer health care practitioners; (2) the geographical  
 114 areas in which volunteer health care practitioners may practice; (3) the  
 115 types of volunteer health care practitioners who may practice; and (4)  
 116 any other matters necessary to coordinate the provision of health care  
 117 services during the emergency.

118 (b) A host entity that uses volunteer health care practitioners to  
 119 provide health care services in this state shall: (1) Consult and  
 120 coordinate its activities with the Department of Public Health and the  
 121 Department of Emergency Management and Homeland Security to the  
 122 extent practicable to provide for the efficient and effective use of  
 123 volunteer health care practitioners; and (2) comply with any order of  
 124 the Commissioner of Public Health or the Commissioner of Emergency  
 125 Management and Homeland Security.

126 Sec. 4. (NEW) (*Effective October 1, 2011*) (a) A volunteer health care  
 127 practitioner who fails to register pursuant to the provisions of section 2  
 128 of this act or violates any provision of section 2 or 3 of this act shall  
 129 have engaged in unauthorized practice if the practitioner had reason to  
 130 know of any limitation, modification or restriction under section 2 or 3  
 131 of this act, or if a similarly licensed practitioner in this state would not  
 132 be permitted to provide such health care services. For the purposes of  
 133 this section, a volunteer health care practitioner has reason to know of  
 134 a limitation, modification or restriction or that a similarly licensed  
 135 practitioner in this state would not be permitted to provide a health  
 136 care service if such practitioner had actual knowledge, or if, from all  
 137 the facts and circumstances known to the practitioner at the relevant  
 138 time, a reasonable person would conclude that the limitation,  
 139 modification or restriction exists or that a similarly licensed  
 140 practitioner in this state would not be permitted to provide the health  
 141 care service.

142 (b) A licensing board or other disciplinary authority in this state  
 143 may impose administrative sanctions upon a volunteer health care

144 practitioner licensed in this state for conduct outside of this state in  
145 response to an out-of-state emergency.

146 (c) A licensing board or other disciplinary authority in this state  
147 may impose administrative sanctions upon a volunteer health care  
148 practitioner not licensed in this state for conduct in this state in  
149 response to an emergency in this state.

150 (d) In determining whether to impose administrative sanctions  
151 under subsection (b) or (c) of this section, a licensing board or other  
152 disciplinary authority shall consider the circumstances in which the  
153 conduct took place, including any exigent circumstances, and the  
154 practitioner's scope of practice, education, training, experience and  
155 specialized skill.

156 (e) Such licensing board or other authority shall report any  
157 administrative sanctions imposed upon a volunteer health care  
158 practitioner licensed in another state to the appropriate licensing board  
159 or other disciplinary authority in the state in which such practitioner is  
160 known to be licensed.

161 Sec. 5. (NEW) (*Effective October 1, 2011*) (a) Sections 1 to 4, inclusive,  
162 of this act shall not be construed to limit the rights, privileges or  
163 immunities provided to volunteer health care practitioners by any  
164 other provision of the general statutes. Except as otherwise provided  
165 in subsection (b) of this section, sections 1 to 4, inclusive, of this act  
166 shall not affect requirements for the use of volunteer health care  
167 practitioners pursuant to the Emergency Management Assistance  
168 Compact established pursuant to section 28-23a of the general statutes.

169 (b) The Department of Public Health or the Department of  
170 Emergency Management and Homeland Security, pursuant to the  
171 Emergency Management Assistance Compact, may incorporate into  
172 the emergency forces of this state volunteer health care practitioners  
173 who are not officers or employees of this state, a political subdivision  
174 of this state or a municipality or other local government within this

175 state.

176 Sec. 6. (NEW) (*Effective October 1, 2011*) The Department of Public  
 177 Health or the Department of Emergency Management and Homeland  
 178 Security may adopt regulations, in accordance with the provisions of  
 179 chapter 54 of the general statutes, to implement the provisions of  
 180 sections 1 to 5, inclusive, of this act. Any such regulations shall  
 181 reference the coordination and implementation requirements  
 182 prescribed in the Emergency Management Assistance Compact  
 183 established pursuant to section 28-23a of the general statutes. In  
 184 adopting any such regulations, said departments shall consider  
 185 comparable regulations adopted by similarly empowered agencies in  
 186 other states in order to achieve uniformity and consistency, to a  
 187 reasonable extent, in the application of the provisions of sections 1 to 5,  
 188 inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section

***PS***

***Joint Favorable C/R***

***PH***